



Date: September 1, 2006

To: Examiner Catherine Joyce

Fax: 571-273-3321

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From: Russell T. Boggs, Ph.D.

Phone: 858-350-2309

Return Fax: 858-350-2399

Original: ☐ To follow via mail ☐ To follow via courier ☐ To follow via email ☒ Original will not followFax Contains: 8 pages (including this sheet). If incomplete, call Vicki Andrews at 858-350-2334.**Message:**

Applicant: Subhra Chakrabarti, et al.

Serial No. 10/662,044

Entitled: Antibodies that Recognize Hyperproliferative Cells and Methods of Making and Using Same

Filed: September 11, 2003

Declaration Regarding Availability of Biological Culture Deposit

Ref: 31302-702.201

Return Original to: Vicki Andrews

Location: SD-2

650 Page Mill Road, Palo Alto, CA 94304-1050 • 650.493.9300 Tel • 650.493.6811 Fax • www.wsgr.com

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Document6 (645)

**ATCC**

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.**

To: (Name and Address of Depositor or Attorney)

SHANTHA WEST, Inc.  
Attn: Mark C. Glasco  
1721 Sorrento Valley Road  
Suite G  
San Diego, CA 92121

Deposited on Behalf of: SHANTHA WEST, Inc.

Identification Reference by Depositor:

Human hybridoma: RM2  
Human hybridoma: RM4

Patent Deposit Designation

PTA-5411  
PTA-5412

The deposits were accompanied by: a scientific description, a proposed taxonomic description indicated above. The Deposits were received August 22, 2003 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strains for 30 years.

The strains will be made available to patent offices signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested September 4, 2003. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris, Patent Specialist, ATCC Patent Depository

Date: September 29, 2003

cc: John Wetherell

Available Copy

# ATCC

**Patent Depository**  
 10801 University Boulevard  
 Manassas, VA 20108-2709  
 Tel: (703) 565-7721  
 Fax: (703) 565-2745

**FAX**

To:	Mark Clary
Company:	AMARILLO WEST, INC.
Fax No:	858-559-7290
# of Pages:	2 (including Cover Sheet)
From:	Maric Harris
E-mail:	maric@amarillowest.com
Date:	September 19, 2003
Reference:	Lab copy of PCR Results Patent Deposit PTA-541 (RM2) and PTA-541 (RM4)

## COMMENTS:

Attached is the lab copy of the results of PCR test on your material submitted for patent deposit purposes on August 22, 2003 for your information only.

Thank you.

*Maric Harris*

Maric Harris

1st Available Copy

This document contains information that is confidential and/or proprietary to the depositor. It is to be used for the purpose of the patent application only. It is not to be distributed to any other party without the prior written consent of the depositor. The depositor warrants that the information contained herein is true and accurate to the best of their knowledge and belief. The depositor also warrants that the information contained herein does not infringe any existing patents or trademarks. The depositor agrees to indemnify and hold the Patent Depository harmless from any and all claims, damages, and expenses, including reasonable attorneys' fees, that may be asserted against or incurred by the Patent Depository or its employees, agents, or contractors in connection with this deposit.

# ATCC

## Mycoplasma Detection

### PCR REPORT for

Customer Name: Parah Nan

Order Number: in-house

	Customer Description	ATCC Code	Amplified Product Detected <sup>a</sup>
A	NONE	Positive Control	yes
B	NONE	Negative Control	no
1	PTA-501	C2	no
2	PTA-502	C3	no
3			
4			

<sup>a</sup> This test is performed pursuant to licensing arrangements with Roche Molecular Systems, Ltd. and Applied Biosystems. A positive report indicates detection of amplified DNA in the 200-400bp size range. A negative report indicates that there was no amplified DNA detected in the 200-400bp size range. Some samples are reported as needing further study to confirm initial results. Final results will be reported the following week.

DNA harvested from the above listed samples has been subjected to amplification by PCR using primers provided in the ATCC's Mycoplasma Detection Kit. These primers readily produce DNA fragments of characteristic size when the primers are allowed to amplify DNA from cultures containing *Mycoplasma pneumoniae*, *M. fermentans*, *M. hominis*, *M. mycoides*, *M. pneumoniae*, *M. genitalium*, and *Acholeplasma laidlawii* as well as many other species of Mollicutes. While the primers exhibit excellent specificity, production of DNA amplicons in the 200-400bp size range from other prokaryotes such as certain strains of *Escherichia coli* and *Campylobacter* has been observed. The primers may also amplify mycoplasma genome DNA fragments from mycoplasmas that have been inactivated by treatment with solvent, or other technique that leaves the mycoplasma DNA intact.

#### COMMENTS

Gallipe Sarago

Biologist

9/12/03

Signature

Title

Date

Reviewed by: Debby Polayco

TOTAL P.02

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